

TITLE 25. SUBDIVISIONS

Chapter 25.01. Subdivisions.

25.01.010. Scope of Ordinance.

A. No person shall subdivide any tract of land which is located wholly or in part in Brigham City, Utah except in compliance with this section. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this section; provided that this section shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this section except as provided in B below.

B. No lot within a subdivision created and recorded prior to the effective date of this section or approved by the Planning Commission and City Council and recorded in the County Recorder's office under the provisions of this section, shall be further divided, rearranged, added to or reduced in area, nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the Planning Commission except as provided in C below.

C. The Planning Commission may authorize the Zoning Administrator to approve lot alterations of a subdivision subject to such limitations or qualifications as are deemed necessary by the Planning Commission.¹

25.01.020. Variances.

A. Should the subdivider clearly demonstrate that, because of peculiar physical conditions pertaining to his land and not to other lands in the general area, the literal enforcement of one or more of the regulations of this section is impractical or will exact undue hardship, and where a subdivision would otherwise be permitted, the governing body, after favorable recommendation of the Planning Commission, may permit such variance or variances as may be reasonable and within the general purpose and intent of this section.

B. Variances may be granted by the governing body, after recommendation by the Planning Commission, as provided herein for Planned Unit Developments.

25.01.030. Exemptions.

Any land divided for any purpose into two (2)² or more parts after the passage of this section shall be subject to the provisions and regulations herein, except the following, which are exempt therefrom:

A. Land divided into parts the smallest of which is one hundred sixty (160) acres in area, or larger.

B. Land divisions which are bona fide divisions or partitions of agricultural land for agricultural purposes, as defined herein.

Chapter 25.02. Intent and Purpose.

25.02.010. Intent and Purpose.

The purpose of these regulations, and the intent of the local jurisdiction in their adoption is as follows:

A. To provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions.

B. To assist in implementing the objectives, policies, and programs of the Master Plan by ensuring that all proposed subdivisions, together with provisions for their design and improvement, are consistent with the Master Plan and all applicable specific plans.

C. To preserve and protect, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, beaches and natural water courses, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and to improve the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto.

¹ Ordinance No. 03-28, dated 5/15/03.

² Ordinance No. 99-24, dated 9/9/99

D. To preserve and protect the special environmental quality and aesthetic character of all hillside and mountainous areas; to prevent detrimental impacts on the soil mantle, vegetative cover, and other environmental factors; to reduce the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and to relate the amount of grading within a subdivision to the slope of the natural terrain.

E. To encourage the clustering of housing developments where subdivisions are permitted in hillside and mountainous areas, in order to minimize grading, preserve the natural terrain, and enlarge the open space.

F. To relate land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces.

G. To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

H. To provide streets of adequate capacity and design for the traffic that will utilize them, and to ensure maximum safety for pedestrians and users of vehicles.

I. To ensure adequate access to each building site.

J. To provide sidewalks, pedestrian-ways, and equestrian and hiking trails for the safety, convenience, and enjoyment of residents of new developments.

K. To provide adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities need for public health, safety, and convenience.

L. To provide adequate sites for public facilities needed to serve residents of new developments.

M. To ensure that the costs of providing land for streets, alleys, pedestrian-ways, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the subdivider(s).

N. To prevent land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewage facilities, or hazardous geological conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety, or welfare.

O. To ensure that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the Master Plan.

Chapter 25.03. Definitions.

25.03.010. Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel.

Alley. A public access-way less than twenty-six (26) feet wide, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this section.

Average percent of Slope. An expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a parcel or lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is a one hundred (100) percent slope.

Building Official. Building official is the official, or his duly authorized deputy, charged with the administration and enforcement of this section.

Block. The land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.

Condominium. The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

Crosswalk or Walkway. A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.

Conservation Standards. Guidelines and specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Soil Conservation Service, adopted by the Soil and Water Conservation District supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities, from which the land-owner selects that alternative which best meets his needs in developing his soil and water conservation plan.

Design, Subdivision. Street alignment, grades, and width; width and alignment of easements and rights-of-way for drainage, water system, and sanitary sewers; and minimum lot area, width, and depth. Design shall also include:

- A. The alignment, grade and width of easements and rights-of-way for utilities;
- B. The grading and general layout of lots and streets within the area;
- C. Location of land to be dedicated for park and recreational purposes; and,
- D. Such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans.

Division of Agricultural Land for Agricultural Purposes. A bona fide division or partition of agricultural land for agricultural purposes shall mean, for purposes of this section, the division of a parcel of land into two (2)³ or more parcels which meet all the following conditions:

A. None of the parcels created is smaller than five (5) acres in area for irrigated land and one hundred sixty (160) acres for unirrigated land.

B. The purpose of the division shall be to use each of the lots for agriculture, not for investment, building development, recreational use, cabin or other housing use, livestock feed yard, or other agricultural industry or business.

C. Each of the parcels created has access to a public street or highway or to a private street approved by the Planning Commission and the governing body.

D. Each of the parcels created shall be capable, in the opinion of the Planning Commission and of the governing body, of producing an income from the sale of agricultural products sufficient to justify its existence as a separate agricultural-lot entity. Among the factors used in making a decision as to whether a division of land is or is not bona fide division or partition of agricultural land for agricultural purposes, the Planning Commission and the governing body may consider the availability of water for irrigation or stock-watering purposes; the class of the soil and depth of the soil mantle; the slope of the land, and past history of agricultural production.

Driveway. A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the roadway is located.

Dwelling. Any building or portion thereof designed or used exclusively as the more or less permanent residence or sleeping place of one or more persons or families, but not including a recreational coach, tent, camper, travel trailer, mobile home, hotel, motel, hospital, or nursing home.

Easement. That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.

Essential Facilities. Utilities, sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical substation or transmission line of fifty (5) KV or greater capacity, except by conditional use permit.

Final Plat. A subdivision map prepared in accordance with the provisions of this section, which is designed to be placed on record in the office of the County Recorder.

Fire Protection. Such water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provisions of this section.

Flood Hazard. A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Frontage. All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts or that common line between a lot and a public street.

General Plan (or Master Plan). A long range generalized plan adopted by the Governing Body for the local jurisdiction.

³ Ordinance No. 99-24, 9/9/99

Geological Hazard. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movements, failure, or shifting of the earth.

Governing Body. The City Council of Brigham City, Utah.

Improvement. Work, objects, devices, facilities, or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, street construction to require standards, water systems, sewer systems, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction as are required by the subdivision title or by the Planning Commission and/or Governing Body for the necessary proper development of the proposed subdivision.

Inundation. Pondered water in motion of sufficient depth to damage property, due to the presence of the water or to the deposit of silt.

Lateral Sewer. A sewer which discharges into another sewer and has only building sewers tributary to it.

Local Attorney. The attorney employed by or officially representing the Local Jurisdiction.

Local Building Inspector. The building inspector employed by or officially representing the Local Jurisdiction.

Local Jurisdiction. Brigham City, Utah.

Local Planner. The planner employed by or officially representing the Local Jurisdiction.

Local Surveyor. The surveyor employed by or officially representing the Local Jurisdiction.

Lot. The unit into which land is divided on a subdivision plat or deed, with the intention of offering such unit for sale, lease or separate use, either as an undeveloped or developed site, immediate or future, regardless of how it is conveyed. Lot shall also mean parcel, plat, site, or any similar term.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Restricted. A lot which has an average slope of twenty-five (25%) percent or more over a major portion of its area, or (2) which does not have a building area of at least seventy-five (75) feet by one hundred (100) feet on a buildable portion of the lot with an average slope of less than twenty-five (25%), or (3) which has been identified as having potential geologic or other environmental hazards or constraints which require further investigation prior to the issuance of a building permit. The lot shall be increased in area and width if over the twenty-five (25%) percent slope category and shall be regulated and developed in accordance with the Hillside Development Ordinance of Brigham City and conditions imposed by the Brigham City Planning Commission in addition to the requirements of this section.

Lot, Unrestricted. A lot having an average slope of less than twenty-five (25) percent, or a lot having an average slope of twenty-five (25) percent or more which contains a building area of at least seventy-five (75) feet by one hundred (100) feet with an average slope of less than twenty (20) percent, which building area is designated as such on the subdivision plat in which the lot is located.

Lot Right-of-Way. A strip of land of not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.

Master Plan (or General Plan). A long range generalized plan adopted by the governing body for the local jurisdiction.

Mobile Home Subdivision. A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes exclusively.

National Cooperative Soil Survey. The soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Station and other federal and state agencies.

Non-Buildable Area. The area of a lot which, because of identified potential geologic or other environmentally hazardous conditions, has been determined unsuitable for construction of residential buildings and other structures for human occupancy. Decks, patios, pergolas, storage sheds, private unattached garages and other accessory structures may be allowed, however, within the designated non-buildable area of a lot.

Official Map or Public Localities Map. An official map or public facilities map adopted by the governing body for the local jurisdiction.

Off-street Parking Space. The space required to park one (1) passenger vehicle, which space shall meet the requirements of Title 29, if any. If there are no Title 29 parking provisions, parking space dimensions and requirements shall be as determined by the Planning Commission.

Off-site Facilities. Improvements not on individual lots but generally within the boundaries of the subdivision which they serve, as further outlined in the ordinance.

Open Space. The area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of Planned Unit Developments.

On-site Facilities. Construction or placement of the dwelling and its appurtenant improvements on a lot.

Owner. The holder of the fee title to land or buildings, or to property to be subdivided, whether a person, partnership, corporation, or other entity recognized by law, and his or its lessees, permittees, assignees, or successors in interest.

Parcel of Land. Contiguous quantity of land, existing as a separate legal description with a separate tax identification number at the time of the adoption of this Subdivision Ordinance (1973), in possession of or owned by or recorded as the property of the same claimant person. Land in one ownership but physically divided by a public highway, road or street is not considered contiguous under this definition and may therefore, be used as two or more individual parcels of land.

Pedestrian-way. A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian-way may be located within or without a street right-of-way, at grade, or grade separated from vehicular traffic.

Permanent Monument. Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the local jurisdiction for permanent monuments.

Plan, Sketch. A generalized layout of a proposed subdivision, with accompanying general proposals and intentions of the subdivider, and relating the proposed subdivision to its area, to public utilities, facilities, and services, and to special problems which may exist in the area.

Planned Unit Development (PUD) An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

Planning Commission. The Planning Commission of the Local Jurisdiction.

Plot Plan. A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings and buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the Planning Commission.

Preliminary Plat. A drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirements of this section.

Protection Strip. A strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.

Street Systems.

A. Principal Arterials. Major highways of the national interstate network, and some links to major destinations which are designated by and developed through the Utah Department of Transportation federal standards.

B. Minor Arterials. Highways forming the major statewide networks, designated by the Utah State Department of Transportation and comprising the National Highway System built to federal standards.

C. Major Collectors. Major roads comprising the interstate network system and administered by the Utah State Department of Transportation.

D. Minor Collectors. Roads that constitute the County network system.

E. Local Access. Rural access roads and all others forming the system to give access to property.

F. Major Streets. Network of principal urban traffic ways handling large volumes of traffic.

G. Collector Streets. Network of minor urban traffic ways providing for through traffic between major streets and minor street.

H. Minor Streets. Local urban streets giving access to abutting properties.

Streets, Roads and Highways.

A. Street, Cul-de-sac. A street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For purposes of these regulations, the length of a cul-de-sac street shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to the point where the center of the cul-de-sac terminates at the center of the turnaround.

B. Street, Half. A street parallel and contiguous to a property line and of lesser right-of-way width than will eventually be required; the additional needed right-of-way width to be obtained in the future from the abutting property owner prior to development as frontage.

C. Street, Public. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty-six (26) feet wide which has been accepted by the public, and which affords the principal access to abutting properties.

D. Street, Major. A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the Master Plan as a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

E. Street, Collector. A street existing or proposed, of considerable continuity, which is the main means of access to the major street system.

F. Street Minor. A street, existing or proposed, which is supplementary to a collector street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood and gives access to abutting properties.

G. Street, Frontage, or Frontage Road. A minor street or road which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

H. Street, Private, Or Private Road. A right-of-way approved by the Planning Commission and governing body, permanently reserved for use by the lot owners, not less than twenty-six (26) feet in width, and improved and maintained as required by the Planning Commission and Governing Body.

I. Street, Stub. A street or road extending from within a subdivision boundary and temporarily terminating there with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later by continuing the stub street to the extended connecting street system.

J. Street, Right-of-Way. That portion of land dedicated to public use for street and utility purposes. Structure. Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground.

Subdivider. Any person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or others.

Subdivision. Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. For purposes of this regulation, a subdivision of land shall include:

- A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease map, plat, or other recorded instrument; and
- B. Except as provided below, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

For purposes of these regulations, a subdivision of land shall not include:

A. A bona fide division or partition of agricultural land, as defined herein, for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance.

B. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

- 1. no new lot is created; and
- 2. the adjustment does not result in a violation of applicable zoning ordinances; and
- 3. the adjustment follows the procedures specified by state law.

C. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

Subdivision, Cluster. A subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the Cluster Subdivision provisions of the zoning code and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

Vicinity Plan. A map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.

Zone. A district as described on the zoning map or in the Zoning Title.

Zoning Title. Title 29 of the Brigham City Code of the Local Jurisdiction.

⁴ Ordinance No. 99-24, 9/9/99

Chapter 25.04. Procedures for Submission.

25.04.010. Preliminary Information.

Each person who proposes to subdivide land within the territory of Brigham City shall confer with the Public Works staff before preparing any plans or plats, in order to become familiar with the City subdivisions, zoning and public works requirements for the area in which the subdivision is to be located and to discuss the proposed development of the tract and its integration into the surrounding property development and street system.

25.04.020. Preliminary Plat.

Subdividers shall submit required Preliminary Plat materials and supporting documents of a proposed subdivision to the Planning Commission offices for approval prior to the submission of a Final Plat. Submission requirements and time required for review and notification are included in Chapter 25.06.

Approval of the Preliminary Plat shall be good for one (1) year. Thereafter, approval of the Preliminary Plat will have expired unless a Final Plat has been submitted to the Planning Commission or a mutually-agreed-upon extension has been granted by the Planning Commission. Whenever a Final Plat is submitted for less than the entire area covered by the Preliminary Plat, approval of the Preliminary Plat for the remaining unplatted area shall be automatically extended for an additional one (1) year.

25.04.030. Final Plat.

The Final Plat submission shall conform to the approved Preliminary Plat.

25.04.035. Fewer Than Ten (10) Lots.

An owner of a tract of land shall be permitted to divide that tract into fewer than ten (10) lots without filing a Final Plat as further defined in Section 25.06.

25.04.040. Conformity to These Regulations.

Sketch Plans, Preliminary Plats, and Final Plats shall all conform to the requirements and specifications of these regulations, and shall be submitted in the manner prescribed.

25.04.050. Planning Commission Action.

Failure by the Planning Commission to act by recommending to the governing body the approval, conditional approval, or disapproval of a final plat within sixty-five (65) days of the receipt of such plat, or another mutually agreed upon period of time, shall be deemed a favorable approval by the Planning Commission.

25.04.060. Governing Body Action.

After approval or conditional approval of the Final Plat by the Planning Commission, the subdivider or his agent shall appear at the next regularly scheduled meeting of the governing body to request review of the final plat. The governing body shall act on the application within thirty-five (35) days of such request.

25.04.070. Acceptance of Street and Other Public Land Dedication.

Acceptance of dedication of proposed public lands or streets, or street rights-of-way in an approved plat can be made only by the governing body. Plat approval will be deemed as acceptance of dedication unless streets and other public spaces are shown as "not intended for dedication."

Chapter 25.05. Sketch Plan.

For future use.

Chapter 25.06. Preliminary Plat.

25.06.010. Submission Requirements.

Copies of all required material shall be officially submitted to the Planning Commission by the Subdivider or authorized representative at an official Planning Commission meeting.

25.06.020. Plat Requirements.

A. One (1) copy of an Application for Approval (See Appendix A) of a Preliminary Plat and all required supporting documents.

B. A sufficient number of black on white, blue on white or brown on white prints of the preliminary plat plus one reproducible, of such quality and resolution that all detail in the drawing is readily discernible. The number of prints to be submitted shall be determined by the Zoning Administrator.⁵

25.06.030. Drawing Requirements.

The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the state of Utah. A workmanlike execution of the Plat shall be made in every detail. A poorly drawn or illegible Plat is sufficient cause for rejection. The following data shall be submitted as part of the Preliminary Plat submission:

A. A vicinity sketch showing perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within a one-half (½) mile distance of the perimeter of the proposed plat.

B. A traverse map of the (monumented, see 25.07.050) perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one part in 10,000. Survey tie into the state grid or other permanent marker established by the County surveyor is required, if practical.

C. The existing contours at two (2) foot intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. Elevations shall be based on National Geodetic Survey sea level data. In cases of predominately level topography throughout a subdivision, one foot (1') interval contours may be required.

D. Lot and street layout.

E. Dimensions of all lots to nearest foot (which may be scaled values).

F. Total acreage of entire proposed subdivision.

G. Lots and blocks numbered consecutively.

H. Locations and identification of all existing and proposed public and private easements.

I. Existing and proposed street names.

J. Street profiles to show proposed grades.

K. The Plat shall be drawn to a scale not less than one (1") inch equals one hundred (100') feet, and shall indicate the basis of bearings, true north point, name of subdivision, name of municipality, township, range, section, and quarter section, block and lot number of the property under consideration.

L. General location in the subdivision area of trees over six inches (6") in diameter, measured at four and one-half (4 ½) feet above the ground. In cases of heavily wooded areas, indication of the outline of wooded area and location of trees which are to remain. It is the intent of this requirement to determine the approximate location of trees for design evaluation rather than to require unnecessary surveying of exact tree location.

M. An affidavit that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make application for the land proposed to be subdivided.

N. Sites, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses.

O. Sites, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single-family dwellings.

P. Location, function, ownership and manner or maintenance of common open space not otherwise reserved or dedicated for public use.

25.06.040. Supporting Documents Required.

The following shall accompany and be a part of the submission:

A. Three (3) copies of the Sewage Disposal Report (Appendix B) where on-lot sewage treatment is proposed.

B. A Location and Vicinity Map showing the following:

1. Related existing and planned streets and highway systems.

2. Subdivision boundary lines.

3. Zoning districts, taxing districts, and other special districts, if any.

⁵ Ordinance No. 98-43, 9/17/98

4. Water sources.
5. Significant vegetation patterns.
- C. A map at a suitable scale showing the following:
 1. Proposed future street layout in dashed line for any portion or parcel of the plan which is not being subdivided at the present time.
 2. Water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas or swamps. (**Note:** Detailed design of drainage structures is not required for a preliminary plat).
 3. Approximate boundaries of areas subject to inundation or storm water overflows of an intensity estimated to occur with a return frequency of once every hundred (100) years.
 4. Existing buildings, other easements, telephone lines, gas lines, power lines, and other features located on the subdivision and within two hundred (200) feet of its boundaries.
 5. A composite utility easement plan showing location, size and proposed use of all easements. All utilities must be constructed within approved easements.
 6. The substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures.
- D. Geologic maps and investigation reports regarding area suitability for the proposed development.
- E. Soil type maps and tables of soil type interpretations based on the National Cooperative Soils Survey, U.S. Department of Agriculture, Soil Conservation Service, provided by Soil Conservation District.
- F. A letter from each utility company involved, addressed to the Planning Commission, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements.

25.06.050. Summary Statement of Proposal.

- A summary statement to be submitted shall include:
- A. Total development area, and number of proposed dwelling units.
 - B. Total number of square feet in nonresidential floor space.
 - C. Total number of off-street parking spaces, including those associated with a single-family residential development.
 - D. Estimated number of gallons per day of water system requirements where distribution system is proposed.
 - E. Estimated number of gallons per day of sewage to be treated, where central sewage treatment facility is proposed.
 - F. Estimated construction cost and proposed method of financing of the streets and related facilities; water distribution system; sewage collection system; storm drainage facilities; and such other utilities as may be necessary.
 - G. Survey notes of subdivision perimeter survey and copies of all monument records.

25.06.060. Review Procedures - Preliminary Plat.

When a Preliminary Plat has been officially submitted and received at a Planning Commission meeting, it shall be placed on the agenda of the Planning commission meeting next scheduled for subdivision review, if all required reviews have been completed and recommendations received by the Planning Commission; provided, however, that in no case shall the preliminary plat be first considered by the Planning Commission later than its second meeting following receipt of the Plat.

The Planning Commission, or its authorized representative, shall immediately upon the receipt of the complete submission distribute copies of prints of the plan provided by the subdivider to the staff for review and other interested agencies as follows:

- A. To the appropriate school district.
- B. To each City or town within one (1) mile radius of any portion of the proposed subdivision.
- C. To any utility or special district or irrigation company, as applicable.
- D. To the Utah State Section of Forestry and Fire Control, where applicable (such as for mountain subdivisions and in heavily-wooded areas).
- E. To the multi-County Planning District Office.
- F. To the Soil Conservation district Board within which the subdivision is located, for explicit review and recommendations regarding soil suitability, flooding problems, and erosion control.
- G. To the Local Health Officer and the State Division of Environmental Health for their review of the sewage disposal reports, for review of adequacy of existing or proposed sewage treatment works to be built

to handle estimated effluent, and for a report on the quality and quantity of the proposed water supply to serve the proposed subdivision.

H. To the State Engineer for a certified statement documenting all related water rights, historic use and estimated water yield to supply the proposed development, if the water supply is not to be furnished from a public water system approved by the state Division of Environmental Health.

I. To the Utah Geological Survey.

Failure of any of the above agencies to respond to the Planning Commission with comments concerning the subdivision within twenty-five (25) days of receipt of the Preliminary Plat shall be deemed approval of such plat by such agency.

25.06.070. The Planning Commission Approval.

A. The Planning Commission shall approve only those preliminary plats which the Commission finds to be developed in accordance with the intent, standards, and criteria specified in this section and the Subdivision Regulations.

B. The Planning Commission shall determine from a review of the Preliminary Plat whether the soil, slope, vegetation, and the drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the construction of the subdivision or otherwise entail an erosion hazard, and if so, the Planning Commission shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a person trained and qualified in such matters, as is determined by the Planning Commission or by the U.S. Soil Conservation Service, using the County conservation standards.

C. Within thirty-five (35) days after review of the Preliminary Plat at a public meeting, the Planning Commission shall approve, disapprove, or approve with conditions the Preliminary Plat, and notify the subdivider in writing of such action, or may postpone action to allow the subdivider time to provide material or additional information needed by the Planning Commission, to then determine appropriate action.

25.06.080. Requirements for Fewer Than Ten (10) Lots.

A. A Preliminary Plat meeting the requirements of this section is submitted for review and approval by the Planning Commission and City Council.

B. A legal description for the tract of land and for each lot in the proposed subdivisions submitted along with the Preliminary Plat.

C. Utility easements as requested by all utility companies and City departments are described and recorded with each lot description.

D. If improvements on existing streets are substandard or do not meet the requirements of the Brigham City Public Works Standards *and Technical Specifications*, the required improvements shall be constructed by the developer to meet City standards. Said improvements shall be guaranteed by the owner in accordance with Chapter 25.12 of the Brigham City Code. Exception: In cases where an existing residential lot is subdivided into three or less lots and sidewalk is the only required improvement that is needed. In these instances a note shall be made to the plat and recorded against the property stating "Sidewalk shall be installed in the public right-of-way by the property owner when a structure is built on or improvement made to the lot per code Section 29.03.160." ⁶

E. The subdivision does not require the dedication of any land for streets or other public purposes.

F. The subdivision is not traversed by the map lines of a proposed street or a street to be widened as shown on the City Master Plan or Official Map.

G. Each of the lots in the subdivision meets the frontage, width and area requirements of the zoning ordinance or has been granted a variance from such requirements from the Board of Adjustment under the powers of the Board granted in the zoning ordinance.

H. Approval of the Preliminary Plat by the Planning Commission and the City Council and providing all of the requirements of this section have been met, shall be authorization for the subdivider to sell lots within the subdivision covered by the Preliminary Plat by metes and bounds, and the requirements of a Final Plat shall be waived.

⁶ Ordinance No. 03-13, dated 4/3/03.

Chapter 25.07. Final Plat.

25.07.010. Submission Requirements.

A. Copies of all required material shall be officially submitted to the offices of the Planning Commission, or their authorized representative, by the subdivider or his authorized representative.

B. Final Plats shall be submitted for approval within eighteen (18) months of the date a Preliminary Plat has been approved by the Planning Commission. No Final Plat submission can be accepted which has exceeded this time lapse period, unless an extension of time has been granted by the Planning Commission upon written request of the subdivider. Any plat submitted for which Preliminary Plat approval has been given in excess of eighteen (18) months previous and for which no time extension has been granted shall be considered by the Planning Commission as a new Preliminary Plat. The final plat shall also contain the refinements required in 25.07.020.

25.07.020. Phase Development.

A. The final platting of subdivisions containing more than twenty-five (25) lots shall be done in phases, except as provided in C herein. Each phase shall consist of the number of lots which can be completely developed with both off-site and on-site improvements within a two (2) year period, or twenty-five (25) lots, whichever is larger. Off-site improvements are construed to be those improvements required by this section. On-site improvements shall be construed to mean the construction or placement of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvements will be continuous, and all of the said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinafter specified.

B. When the off-site improvements have been one hundred (100) percent completed within the boundaries of the recorded plat and approved by the local engineer, and the on-site improvements are seventy (70) percent completed, the subdivider may submit the next phase of the proposed development in accordance with the rules and regulations of this subdivision ordinance.

C. A final plat including more than twenty-five (25) lots will be accepted only upon the submission of qualified evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in such final plat will be completed within two (2) years, and that on-site improvements will be completed on at least seventy (70) percent of the lots within four (4) years of such approval.

25.07.030. Plat Requirements.

A. The Final Plat submission shall conform in all major respects to the Preliminary Plat as previously reviewed and approved by the Planning Commission and shall incorporate all modifications required in its review. The Governing Body may, however, approve a Final Plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the Preliminary Plat review and approval.

B. A Final Plat shall be submitted in phases, except as provided in 25.07.020.

C. One (1) copy of application form (Appendix A) for review of a Final Plat and all required supporting documents shall be submitted.

D. The original Final Plat drawing and a sufficient number of black on white, blue on white or brown on white prints of the final plat and one (1) reproducible set of the plan and profile drawings along with a sufficient number of black on white, blue on white or brown on white prints of the plan and profile drawings, of such quality and resolution that all detail in the drawing is readily discernible, shall be submitted at the time of submittal of the final plat. The number of prints of final plat and plan and profile drawings to be submitted shall be determined by the Zoning Administrator.⁷

E. A receipt shall be issued to the subdivider or his authorized representative for the Final Plat submission when it has been determined that the submission includes all the requirements set forth in these regulations.

25.07.040. Drawing Requirements.

The Final Plat drawing shall have the following standards:

⁷ Ordinance No. 98-43, 9/17/98

A. The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work in the state of Utah. A workmanlike execution of the plat shall be made in every detail. A poorly-drawn or illegible plat is sufficient cause for its rejection.

B. The plat shall be delineated in permanent ink on waterproof tracing cloth or original Mylar as provided by the office of the County surveyor. Sepia copies of original molar are not acceptable.

C. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

D. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

E. All blocks and all lots within each block shall be consecutively numbered.

F. On curved boundaries and all curves in the plat, sufficient data shall be given to enable the reestablishment of the curves on the ground. This curve data shall include the following for circular curves:

1. radius of curve
2. central angle
3. tangent
4. arc length

G. Excepted parcels shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances.

H. All streets, walkways and alleys shall be designated as such and streets shall be named; bearings and dimensions must be given.

I. All easements shall be designated as such and bearings and dimensions given.

J. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, or as excepted parcels.

K. All dimensions of irregularly-shaped lots shall be indicated in each lot.

L. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

M. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgment.

N. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.

O. The information on the plat shall include:

1. name of subdivision, astronomic north arrow and basis thereof, and date
2. name and address of owner or owners of record
3. total acreage of subdivision; total number of lots
4. township, range, section (and quarter section if portion)
5. graphic scale
6. local engineer and County surveyors certificate
7. local attorney's approval certificate
8. planning commission approval certificate
9. governing body approval certificate
10. any additional information required by the local government

P. The dimensions and format of the plat shall be established by the Governing Body. Various typical examples are included in Appendix F for reference.

25.07.050. Monuments. (See Appendix D).

A. Permanent reference monuments, as approved by the local engineer, shall be set on the external boundary of the subdivision, and at all street center line intersections and all beginning and end points of curves, to provide line of sight control for reestablishing the survey.

B. Block and lot monuments shall be set.

C. At least one second order benchmark shall be set (where practical to tie in) within every subdivision or subsequent filing prior to submission of the Final Plat for Approval.

D. Detail requirements on monument construction, marking, and setting are contained in Appendix D.

25.07.060. Survey Certification.

The surveyor making a plat shall certify on the plat that it conforms to these survey regulations and to all applicable state laws and that the monuments described in it have been placed as described. He shall affix his name and seal.

25.07.070. Supporting Documents.

The following documents shall be submitted with the Final Plat drawing and be considered a part of the submission:

Drawings showing layout, profile, and detail design of:

A. All utilities and easements, plus statements from utility companies (water, sewer, electric, gas, telephone, etc.) as applicable, that service will be provided to the development.

B. Plan, profile and typical cross-section drawings of the roads, bridges, culverts, sewers, and other drainage structures.

C. Grading and drainage plan. The proposed grading plan shall be indicated by solid-line contours superimposed on dashed-line contours of existing topography for the area of the Final Plat. Such contours shall be at two (2) foot intervals for predominant ground slopes within the tract between level and five (5%) percent grade, and five (5') foot contours for predominant ground slopes with the tract over five percent (5%) grade. In case of predominantly level topography throughout a subdivision, one (1') foot contour intervals may be required.

D. Erosion control plan when required, to be submitted as result of Preliminary Plat review.

E. The above drawings shall be prepared as required in 25.06.070 (B).

F. An exact copy of a certificate of a title insurance company or attorney which shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgements, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses any of the above, then at the option of the Governing Body the holders or owners of such mortgages, judgements, liens, easements, contracts, or agreements shall be required to join in and approve the application before the Plat shall be acted upon by the Planning Commission.

G. Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Planning Commission must be submitted.

H. Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the public agency receiving the dedication, agreeing to such dedication and stating how applicable improvement standards will be met. When land within a subdivision is to be purchased by a public agency for public use, a letter of intention to purchase shall be required.

I. When a new street will intersect with a state highway or will cross a railroad, a copy of the state highway permit or railroad crossing permit shall be submitted.

25.07.080. Summary Statement of Proposal.

A summary statement submitted shall include the following:

A. Total development Area, and number of proposed dwelling units.

B. Total number of square feet of nonresidential floor space.

C. Total number of off-street parking spaces, excluding those associated with single-family residential development.

D. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or general disposal means and suitability where no treatment facility is proposed.

E. Estimated total number of gallons per day of water system requirements where a distribution system is proposed.

F. Estimated construction cost and proposed method of financing streets and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities, and such other facilities as may be needed. If improvements are not to be completed prior to approval of the Final Plat, the cost estimates included in this statement shall be identical to those included in the improvement agreement.

G. Copies of protective covenants, trust agreements, and home owners' association articles and bylaws, including those required by the Governing Body, to govern the future use of each of water or sewer systems, re-subdivision, and other potential changes which might significantly alter the subdivision as approved by the Governing Body with regard to the criteria and standards of these regulations.

H. Monument record.

25.07.090. Review Procedures - Final Plat.

When a Final Plat has been received, it shall be acted upon at a Planning Commission meeting scheduled for Subdivision review, within thirty-five (35) days or another mutually agreed upon period of time.

25.07.100. Planning Commission Review.

A. The Planning Commission shall review the Final Plat at a regularly scheduled public meeting. If the Final Plat and all supplementary data complies with the applicable requirements of these regulations and the requirements of the approved Preliminary Plat, the Planning Commission shall certify approval of the Plat on the space provided.

B. Within five (5) days after review of the Final Plat at the public meeting, the Planning Commission shall send written notification of its review to the Governing Body. Required modification to the Final Plat; one copy to be transmitted to the Governing Body, one to be retained in the Planning Commission files, and one to be transmitted to the subdivider.

C. The only basis for rejection of a Plat shall be its nonconformance to adopted rules, regulations and ordinances currently in force and affecting the land and its development, or its lack of conformance with the approved Preliminary Plat.

25.07.110. Governing Body.

A. The Governing Body shall review the Final Plat within thirty-five (35) days of receipt of transmittal from the Planning Commission at a regularly scheduled public meeting. If the Governing Body determines that the Final Plat submission complies with the applicable requirements of these regulations, they shall certify approval of the plat on the space provided. The subdivided shall provide an adequate number of the approved plats or prints marked for modification, together with the official notification of the action, to be distributed by the Governing Body as follows:

1. one copy to the Planning Commission files
2. one copy to Governing Body files
3. one copy to subdivider
4. one copy to engineer and surveyor of subdivider
5. one copy to multi-County planning district office
6. one copy to each utility company serving the subdivision

25.07.120. Recording Final Plat.

A. The Governing Body shall record the Final Plat with the County Clerk and Recorder within five (5) working days of approval of the Final Plat by the Governing Body; the subdivider shall pay the expense of such recording.

B. The County Clerk and Recorder shall furnish the subdivider with a receipt, upon filing for the Final Plat.

25.07.130. Resubdivision Procedure.

Resubdivision of land or changes to a recorded plat shall be considered a subdivision and it shall comply with these regulations, with the following exceptions:

A. Lot lines may be revised from those shown on the recorded plat, provided that in making such changes:

1. no lot or parcel of land shall be created or sold that is less than the minimum requirements for area or dimension as established by these regulations or other applicable regulations or ordinances.
2. drainage easements or rights-of-way reserved for drainage shall not be changed, unless supported by complete engineering data and required approvals.
3. Street locations and street rights-of-way shall not be changed; and
4. the plat shall not be altered in any way which will adversely affect the character of the plat filed.

B. If it is discovered that there is a minor survey or drafting error in a recorded final plat, the subdivider shall be required to file a final plat with an affidavit witnessed by two (2) land surveyors, concerning the change which shall be approved by the Planning Commission and the Governing Body. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the corrected plat shall require full approval procedures and recording of a corrected plat.

C. A copy of all final Plat revisions shall be submitted to the Planning Commission and the Governing Body, for review.

Where the resubdivision complies with the appropriate requirements of these regulations, a Record Plat indicating the resubdivision shall be submitted to the Planning Commission and the Governing Body for their endorsements, prior to the filing of such plat with the County Clerk and Recorder. Such plats shall specifically indicate the revisions being made compared with the previously recorded plat.

The Local Jurisdiction shall maintain an adequate numbered filing system for all subdivisions, including copies of all maps, data, and official subdivision actions; also a master location map (or maps) referenced to the filing system, for public use and examination.

25.07.140. Amending Recorded Plats

A. *Recorded plats shall be amended as defined in "Utah Code Unannotated 10-9-808. Vacating or changing a subdivision plat" (or as recodified in State Code).*

B. *Plats which are amended totally or partially to include areas not currently within the boundary of the plat shall be amended as defined in "Utah Code Unannotated 10-9-808. Vacating or changing a subdivision plat" (or as recodified in State Code). Plat amendments shall include the words "Amended and Extended" within the title block.⁸*

Chapter 25.08. Design Standards.

25.08.010. Design Standards.

All subdivisions must comply with the following standards:

25.08.020. General Standards.

A. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.

B. Land subject to hazardous conditions such as slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

25.08.030. Lots.

A. No single lot shall be divided by a municipal or County boundary line.

B. A lot shall not be divided by a road, alley, or other lot.

C. **Wedge-shaped Lots.** No wedge-shaped lot shall be less than thirty (30) feet in width at the front property line, or the lot frontage required by the zoning ordinance, whichever is larger.

D. **Lot Lines.** Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be shown.

E. **Front on Public Street.** All residential lots in subdivisions shall front on a public street, or on a private street or court approved by the Planning Commission and the Governing Body, except as may be approved for planned unit developments, cluster subdivisions, or other special dwellings.

25.08.040. Streets and Street Requirements.

A. **Street Plan.** The street or highway layout shall conform to the master plan and official map adopted by the Planning Commission and Governing Body.

B. **Through Traffic.** Minor streets shall be laid out to discourage through traffic.

C. **Stub Streets.** Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions. Not more than six (6) lots shall front on a street, except where a temporary cul-de-sac turnaround is provided.

D. **Intersections.** Intersections of minor streets with major streets shall be kept to the minimum.

E. **Right-of-way Width.** Streets shall have the following minimum right-of-way widths:

1. principle arterial: federal and state standards
2. minor arterial: federal and state standards

⁸ Ordinance No. 04-16, dated 6/17/04.

3. major collector: minimum of eighty-two and one-half (82 ½) feet or as required by state standards
4. minor collector: minimum of sixty-six (66) feet or as required by state standards
5. major street: a minimum of eighty-two (82) feet, or as required by state and federal standards, or by the Planning Commission
6. collector street: sixty six (66) feet
7. minor street and frontage road: fifty (50) feet
8. private street or road: as required by the Planning Commission, nut not less than twenty-six (26) feet.

F. **Roadway Width.** Streets shall have the following roadway widths (face of curb to face of curb):

1. principle arterial: federal and state standards
2. minor arterial: federal and state standards
3. major collector: minimum of forty-eight (48) feet or as required by state standards
4. minor collector: minimum of twenty-eight (28) feet or as required by state standards
5. major street: a minimum of fifty-six (56) feet, or as required by state and federal standards
6. collector street: forty-four (44) feet
7. minor street or frontage road: twenty-eight (28) feet
8. ten foot (10') shoulders shall be provided where there are no curbs installed
9. private street or road: as required by the Planning Commission

G. **Half-Streets.** None are permitted, except if required to complete a half-street already existing, or if approved by the Planning Commission and the Governing Body.

H. **Dead-end Streets.** Dead-end streets, including stub streets, shall be permitted or required by the Planning Commission only to provide future access to adjoining property, except for dead-end street systems in cluster subdivisions, planned unit developments, condominium developments, or similar special projects.

I. **Cul-de-sac Streets.** Permanent cul-de-sac streets serving no more than twenty (20) lots, and not more than six hundred fifty (65) feet long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of fifty (50) feet radius or more, and the outside curb or pavement edge radius shall be forty (40) feet or more. Cul-de-sac streets intended to be only temporary must also satisfy the above requirements.

J. **Number of Streets at Intersection.** No more than four (4) streets shall enter an intersection.

K. **Angle of Street Intersections.** Streets shall intersect at ninety (90) degrees and may be designed only with approval of the Planning Commission.

L. **Centerlines of Intersecting Streets.** Two subordinate streets meeting a through street from opposite sides shall meet at the same point, or their centerlines shall be offset at least two hundred (200) feet.

25.08.050. Street Names.

Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names within the area. All street names shall be approved by the Planning Commission.

25.08.060. Curvature and Alignment.

A. **Horizontal curves.** To ensure adequate sight distances, when street roadway lines deflect more than five (5) degrees, connection shall be made by horizontal curves. The minimum center-lines radii for minor streets shall be one hundred fifty (150) feet and of all other streets shall be three hundred (300) feet. On collector and major streets a minimum tangent of one hundred (100) feet shall be required between a curve and street intersection; a minimum tangent of one hundred (100) feet shall be required between reverse curves.

B. **Vertical curves.** Vertical curves shall be used at all changes of grades exceeding one (1) percent and shall be designed to provide minimum sight distances of two hundred (200) feet for minor streets and three hundred (300) feet for all other streets, except that vertical curves for major streets shall be as determined by the current specifications of the American Association of State Highway Officials.

25.08.070. Frontage on Major Highways.

Where a residential subdivision abuts a major highway, frontage roads may be required.

25.08.080. Roadbed Construction Standards for Paved Roadways for Public Streets.

A. **Roadbed grading and paving width.** Minimum roadbed grading and paving for minor, collector and major streets, local access roads, collectors and arterials shall be established by the local Governing Body. (See Appendix E for typical examples). Reduction of such roadway grading and paving may be approved by the local Planning Commission and Governing Body for one-way street, mountain subdivisions, or other justifiable design or topographical reasons. Ten (10) foot shoulders shall be provided where curbs are not installed.

25.08.090. Road Grades.

All road and street grades shall be designed as follows:

A. **Major and collector roads and streets.** Limited to a maximum grade of twelve percent (12%). Sustained grades in excess of 1,000 feet shall be limited to a maximum of ten percent (10%).

B. **Minor roads or streets.** Limited to a maximum grade of ten percent (10%). Sustained grades shall be limited to seven percent (7%).

C. **Cul-de-sacs.** With a negative grade progressing toward the turnaround shall be limited to a maximum grade of six percent (6%). The cul-de-sac shall terminate with a grade not to exceed three percent (3%) for the last one hundred feet (100') of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred fifty feet (650') and have adequate easement for drainage.

D. **Street intersections.** Have a vertical alignment such that the grade shall not exceed three percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the intersection.

E. **Maximum grades.** Approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred feet (600').

F. **All changes in vertical alignment.** Made by vertical curves with minimum length of two hundred feet (200'), for minor streets and three hundred feet (300') for major streets.
(See 25.08.060 (B)).

G. **Horizontal alignment.** Limited to maximum of 13.5 degree curve.

H. **Roads in mountainous terrain.** Be designed at less than maximum allowable in order that they can be safely negotiated and that snow can be removed during winter.

25.08.100. Sidewalks, Curbs and Gutters.

Sidewalks, curbs and gutters shall be provided on both sides of all public streets.

25.08.110. Block Standards.

Block lengths shall be reasonable as approved by the Planning Commission and in total design shall provide for convenient access and circulation for emergency vehicles.

25.08.120. Pedestrian Cross-Walks.

Where blocks exceed one thousand feet (1,000') in length, pedestrian rights-of-way of not less than ten feet (10') in width may be required by the Planning Commission through blocks were needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet (5') in width shall be placed within the rights-of-way, as required by the Planning Commission.

25.08.130. Lot Size Standards.

Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Planning Commission, based on interpretations made from the Cooperative Soil Survey, U.S. Department of Agriculture, Soil Conservation Service, and other procedures and available information. All lots shall conform to area requirements of any existing zoning ordinance.

25.08.140. Easement Standards.

A. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of utility easements shall be twenty (20) feet, apportioned equally in abutting properties.

B. Where front-line easements are required, a minimum of twenty (20) feet shall be allocated as a utility easement. Perimeter easements shall not be less than twenty (20) feet in width, extending throughout the peripheral area of the development, if required by the Planning Commission.

C. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required. Public utility installations shall be so located as to

permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

25.08.150. Utilities to Be Underground.

All power lines, telephone lines and other utility lines shall be placed underground by the subdivider unless the Governing Body, supported by the recommendation of the City utility and engineering staff, determines that it is not feasible to do so.

25.08.160. Alleys.

The Planning Commission may approve service access to the interior of blocks in certain instances, in which case such alleys must be indicated on the plan and plat.

25.08.170. Sanitary Sewage Disposal - General Requirements.

A. **Sanitary Sewerage System Required.** Except as otherwise provided below, the subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the Local Health Officer, the State Division of Environmental Health, and this section.

B. **On-lot Sewage Disposal System.** Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than one-half ($\frac{1}{2}$) mile from the boundary of the subdivision and shall be disapproved in any case unless approved in writing by the Local Health Officer and the state Division of Environmental Health. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits shall be submitted, along with the results of percolation tests. The results of these data will be reviewed by the local Health Officer and the state Division of Environmental Health, in addition to the Planning Commission.

The following requirements shall be met:

1. Lands made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.

2. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight (8) feet from the surface of the ground to impermeable bedrock, and a minimum depth of six (6) feet from the surface of the ground to the ground water surface (based on annual high water level). Each site must also be at least fifteen hundred (1500) feet from any shallow water supply well and one hundred (100) feet from any other well; at least one hundred (100) feet from a stream or water course, and at least two hundred (200) feet from any major live stream; and at least ten (10) feet from any dwelling or property line.

3. Soils having a percolation rate slower than or faster than standards allowed by the Local Health Officer or State Division of Environmental Health shall not be divided into building sites to be served by soil absorption sewage disposal systems.

4. Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, Soil Conservation Service, shall not be divided into sewage building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.

5. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall: Have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet Local Health Officer and Utah State Division of Environmental Health standards and regulations. In addition, the Sanitary Inspector shall find that the proposed corrective measures have overcome the severe soil limitations.

6. Other applicable standards adopted by the Governing Body and local and State health departments.

25.08.180. Appeal From Soil Classification.

An applicant desiring to install soil absorption sewage disposal facilities on soils having severe limitations shall have an opportunity to present evidence contesting such classification and analysis, if he so desires. Thereafter, the Governing Body may affirm, modify, or change the classification.

25.08.190. Sanitary Sewer Mains, Laterals, And House Connections - Future.

Where local, County and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider in addition to the installation of temporary individual on-lot sanitary disposal systems by the subdivider or lot purchaser. Whenever individual on-lot Utah sewage disposal systems are proposed the subdivider shall either install such facilities, or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

25.08.200. Test Procedures.

Test procedures shall be conducted in accordance with local and state Department of Health requirements.

25.08.210. Water Supply.

A. **Public Water System Required.** Except as otherwise provided below, the subdivider shall provide, or have provided a piped, public water supply to the property line of every lot in any subdivision the smallest lot of which is less than five (5) acres in area. The water system shall meet the minimum standards and requirements of the State Division of Environmental Health, the Local Health Officer, and this section, and wherever the subdivision is located near forested or grassy or brushy lands, of the State Section of Forestry and Fire Control.

B. **Public Water System Required - Exceptions.** The governing body may allow individual on-lot water supply systems or supply of water from a communal well or spring other than as an approved public water system only if the application by the subdivider meets all the following conditions:

1. The application is accompanied by letters of approval of the exception, and of the proposed water supply system, from the local health officer, the state Division of Environmental Health, the state Section of Forestry and Fire Control, and the State Engineer.

2. The subdivider shall submit a geologic report containing a specific section on ground water geology prepared by a qualified ground water geologist, which shows:

a. The probability of success of wells or on-site supply systems throughout the proposed subdivision.

b. The expected long-term yield of such wells or systems.

c. The expected depth to usable water.

d. The expected quality of the anticipated water.

e. Any expected significant problems of long-term supply, pollution, or long-term maintenance of such wells or systems.

25.08.220. Storm Drainage and Flood Plains.

A. **Drainage System.** Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated.

B. **Design.** The drainage and flood plain systems shall be designed to:

1. Permit the unimpeded flow of natural water courses.

2. Ensure adequate drainage of all low points.

3. Ensure applications of the following regulations regarding development in designated flood plains:

a. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a 100-year storm.

b. Building construction may occur in that portion of the designated floodway where the return frequency is between a 100-year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probable flood level.

c. Where floodway velocities are generally determined to be under five (5) feet per second and maximum flood depth will not exceed three (3) feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.

d. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary land fills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.

e. Recreation coach, or mobile home parks and similar uses shall not be permitted in any designated floodway.

f. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated floodway constitutes an encroachment and must be approved by the Planning Commission, before accomplishment.

g. No lot one (1) acre or less in area shall include floodlands. All lots more than one (1) acre shall contain not less than forty thousand (40,000) square feet of land which is at an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or, where such data is not available, five (5) feet above the elevation of the maximum flood of record.

C. Drainage System Plans.

1. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream.

2. All proposed surface-drainage structures shall be indicated on the plans.

3. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

25.08.230. Irrigation Systems.

A. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred (100) feet of a proposed subdivision, complete plans for relocation or covering, or other safety precautions shall be submitted with an application for preliminary approval of a plat.

B. In all urban subdivisions in which the smallest lot is less than one (1) acre, all irrigation systems shall be underground.

C. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color coded as to pipe and valve color to meet state standards and regulations.

Chapter 25.09. Rural, Mountain, Desert, Seasonal Use, And Recreational Subdivisions.

25.09.010. Special Requirements.

The Planning Commission and Governing Body may make special requirements for the regulation of subdivisions in rural, mountainous, or desert areas, or for seasonal or recreational use for protection of the environment; prevention of erosion, pollution, and excessive costs to the public; protection of existing social, physical, or economic values; and protection from fire and other hazards.

25.09.020. Method of Applying Special Requirements.

Before applying special requirements to rural, mountain, desert, seasonal use, or recreational subdivisions, either more restrictive or less restrictive than those otherwise applicable by this section, the Planning Commission shall cause copies of the subdivision and proposed modifications of standard requirements to be submitted to the state Health Department, the state Board of Forestry and Fire Control, and the local Soil Conservation District Supervisor, for comment and recommendations. The Planning Commission shall then make its recommendation to the Governing Body and such Body shall determine what special requirements shall apply, if any.

25.09.030. Minimum Requirements for Rural, Mountain, Desert, Recreational Use and Recreational Subdivision.

Notwithstanding any other provisions herein or with this section, the following minimum requirements shall apply to all rural, mountain, desert, seasonal use, and recreational subdivisions:

A. **Maximum Grades.** No area shall be subdivided which has an average grade in excess of thirty (30) percent, as determined by a topographic map furnished by a registered land surveyor, or by reference to United States Geological Survey 7.5 minute topographic quadrangle maps; the area to be used for residential building lots (as opposed to reserved open spaces) shall not exceed an average grade of twenty (20) percent.

B. **Hazards.** No subdivision design or plan shall be approved which constitutes the creation of hazardous conditions relating to flooding, pollution, fire or geologic hazards, or excessive damage or danger to environmental values.

Chapter 25.10. Cluster Subdivisions.

25.10.010. Special Provisions.

A. Design Standards.

1. The design of the preliminary plat and final plats of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning regulations, elements of the Master Plan that have been adopted, and design standards recommended by the Planning Commission and approved by the Governing Body.

2. Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.

B. Provisions for Common Open Space.

1. The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions as to how the improvements thereon are to be financed and the area maintained. A cluster subdivision must meet the requirements of the zoning ordinance, must assure proper use, construction and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future owners of the subdivision, surrounding residents, and the general public.

2. The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired character, including plans for disposition or reuse of property if the open space is not maintained in the manner agreed upon or is abandoned by owners.

C. **Guarantee of Common Open Space Improvements.** As assurance of completion of common open space improvement the subdivider may be required to file with, and in a manner satisfactory to, the Governing Body a surety or cash bond guaranteeing such completion within two (2) years of such filing. Upon completion of the improvements for which a surety or cash bond has been filed, the subdivider shall call for inspection by the Planning Commission. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the Planning Commission shall recommend that the bonds therefore shall be released. If the bonds are not released, refusal to release and reason therefore shall be given the subdivider, in writing.

D. As assurance of continuation of common open space use in accordance with the plans approved by the Planning Commission, the subdivider shall grant to an association of lot owners or to the local jurisdiction an "Open space Easement" on and over the Common Open Space, prior to the recording of the final plat, which easement will not give the general public the right of access, but will provide that the Common Open Space shall remain open.

E. Maintenance of Common Open Space.

1. As assurance of maintenance of the common open space and other improvements where so required, the subdivider shall cause to be formed, prior to the recording of the final plat, a Lot Owners' or Home Owners' Association and shall establish articles of incorporation, bylaws and covenants outlining the purpose, organization, and operation of the Association.

2. Such articles of incorporation and covenants shall, among other things, provide:

- a. That member ship shall be mandatory for each lot purchaser and any successive buyer.
- b. That Common Open Space restrictions must be permanent, not just for a period of years.
- c. That the Association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- d. That lot owners must pay their pro rata share of the costs.
- e. That the assessment levied by the Association shall become a lien against the property.
- f. That the Association must be able to adjust the assessment to meet changed needs.

F. In the event the Lot Owners' or Home Owners' Association does not maintain the Common Open Space and improvements as proposed and indicated at the time of subdivision, the local jurisdiction may, at its option, do or contract to have done the required maintenance and recover the costs incident thereto by means of a lien against the involved properties of the members of said Association.

25.10.020. Density Allowed.

Lot sizes and dimensions and yard dimensions in approved cluster subdivisions may be reduced as provided in the zoning code and standards of this ordinance and the subdivision regulations may be modified by the Planning Commission and Governing Body as determined desirable and necessary to accomplish the purpose of subdivision cluster design and construction.

Chapter 25.11. Construction Standards.

25.11.010. Construction Standards.

Construction standards, including drawings, tables, charts, references and other regulations adopted by the Governing Body by resolution, shall constitute subdivision regulations supplementing this section. (See Appendix E).

Chapter 25.12. Financial Responsibility.

25.12.010. Guarantee.

In lieu of actual installation of the improvements required by this section, and before final plat approval by the Governing Body, the subdivider may guarantee the installation thereof by one, or a combination of one or more, of the methods specified below, in an amount equal to the cost of the improvements as estimated by the local engineer. The guarantee employed shall be approved as to method and form by the Governing Body and by the local attorney. The Governing Body is authorized to prescribe by administrative rule, or regulation, forms and procedures to insure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of the section. This guarantee requirement shall not apply to sidewalk installations in conjunction with the exception in Section 25.06.080 or when a street is developed for transportation corridor purposes through undeveloped property and a development agreement is entered into between all property owners and the City which obligates adjacent property owners to complete all City required improvements and the Planning Commission and City Council approve the street construction as a benefit for the public good. The development agreement shall stipulate that improvements are required with the issuance of a building permit or subdivision process or land development process.⁹

25.12.020. Performance Bonds.

The subdivider may furnish and file with the clerk of the Governing Body a corporate surety bond in an amount equal to the cost of the required improvements as estimated by the local engineer, to assure the actual construction of such improvements within a period of two (2) years immediately following the approval of the plat and subdivision by the Governing Body, which bond shall be approved by the Governing Body and the local attorney.

25.12.030. Deposit in Escrow.

The subdivider may deposit in escrow with an escrow holder approved by the Governing Body an amount of money equal to the cost of improvements required as estimated by the local engineer under an escrow agreement conditioned for the installation of said improvements within two (2) years from the approval of the final plat and subdivision. The escrow agreement aforesaid shall be approved by the Governing Body and the local attorney, and shall be filed with the County Recorder.

25.12.040. Default.

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within two (2) years from date of approval of the final plat, the Governing Body may declare the bond or

⁹ Ordinance No. 03-12, dated 4/3/03.

escrow deposit forfeited, and may install or cause the required improvements to be installed, using the proceeds from the collection of the bond to defray the expenses thereof.

25.12.050. Phased Development.

Whenever the subdivider shall develop a subdivision in portions, such development shall be in orderly manner and in such way that the required improvements will be continuous and all said improvements will be made available for full, effective and practical use thereof by lessee or grantee of any of the subdivided lands within the time hereinbefore specified.

25.12.060. Guarantee for One Year.

A. The subdivider or contractor, upon submission of his plans, shall deposit with the clerk of the Governing body a sum in the amount estimated by the local engineer to cover engineering review and inspection of the above improvements.

B. The subdivider shall warrant and guarantee that the improvements provided for herein, and every part thereof, will remain in good condition for a period of one (1) year after the date of conditional acceptance by the Governing Body, and agree to make all repairs to and maintain the improvements and every part thereof in good condition during that one year period at no cost to the local jurisdiction. It is further agreed and understood that identifying necessity for repairs and maintenance of the work rests with the local engineer, whose decision upon the matter shall be final and binding upon the subdivider, and the guarantee hereby stipulated shall extend to and include, but shall not be limited to the entire street, subgrade, base, and surface and all pipes, joints, valves, backfill and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be, affected by the construction operations. Whenever, in the judgement of the local engineer, said work shall be in need of repairs, maintenance, or rebuilding, he shall cause a written notice to be served the subdivider, and thereupon the subdivider shall undertake and complete such repairs, maintenance or rebuilding, and upon the date of the service of such written notice, the local government shall have such repairs made, and the cost of such repairs shall be paid by the subdivider.

25.12.070. Acceptance and Release of Surety.

A. Conditional acceptance of all the improvements shall be in writing from the Zoning Administrator,¹⁰ after written approval has been received from the City Engineer. Full or partial release of the Improvement Bond or escrow may be authorized by the City Engineer upon conditional acceptance of the Zoning Administrator provided, however, that an amount equal to ten percent (10%) of the funds to be released shall be retained by the local engineer until final acceptance by the Zoning Administrator.

B. Final inspection by the City Engineer shall be made one year after all work has been completed. All defects shall be corrected before final acceptance by the Zoning Administrator.

C. Final acceptance shall be in writing by the Zoning Administrator, after written approval is received from the City Engineer.

Chapter 25.13. Permits and Fees.

25.13.010. Permits.

From the effective date of this section, the Building Inspector shall not grant a permit, nor shall any officer of the local jurisdiction grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this section or of the subdivision regulations, or on a lot in a subdivision created by judicial decree, until a subdivision plat thereof has been recorded, or approved as required by this section. Any license or permit issued in conflict with such provisions shall be null and void.

25.13.020. Fees.

At the time of filing the preliminary plat a non-refundable fee must be submitted, payable to the local jurisdiction, in accordance with the currently applicable fee schedule as adopted by resolution of the Governing Body.

¹⁰ Ordinance No. 01-33, dated 8/16/01.

Chapter 25.14. Penalty.

25.14.010. Penalty.

Any violation of the provisions of this section shall be a misdemeanor. Any person violating provisions of this section shall, upon conviction thereof, be punished by a fine not exceeding two hundred ninety-nine (\$299) dollars or imprisonment in the County Jail for three (3) months, or by both fine and imprisonment.

Chapter 25.15. Validity.

25.15.010. Validity.

If any section, subsection, sentence, clause, or phrase of this section is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this section.

Chapter 25.16. Hillside Development.

25.16.010. Purposes and Objectives.

It is recognized that the general provisions, definitions, procedures, improvements and design requirements, standards and principles set out in the Title 25 of the Brigham City Code require supplementation to protect and preserve the public health, safety, and welfare in regard to hillside terrain areas. When areas are subdivided or developed hillsides, such features as special soil and geologic conditions, steep terrain, highly combustible native vegetation, and other conditions may cause serious consequences such as increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems, property damage from extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic beauty and unsightly developments. Such consequences may be avoided if special consideration is given to areas where one or more such conditions exist.

In the administration of the provisions of this section, the Hillside Development Review Board shall strive to achieve the objective of preserving the natural appearance of the hillside areas by encouraging and requiring where necessary the following:

- A. A minimum amount of grading which preserves the natural curves of the land and which does not result in staircase effects.
- B. Retention of trees and other native vegetation (except in those cases where a high hazard results) which stabilizes steep hillside, retains moisture, prevents erosion and enhances the natural scenic beauty.
- C. Construction of roads where the same are necessary on steep hillsides in such a way as to minimize scars from cuts and fills and avoid permanent scarring of hillsides.
- D. Placement of building sites in such a manner as to permit ample room for adequate landscaping and drainage between and around the buildings.
- E. Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with respect to building sites and to road cross-sections.
- F. Lot site and structure designs which will be appropriate in order to reduce grading and natural topography disturbance.
- G. Cluster type development or other new concepts were appropriate and possible in order to eliminate as far as possible construction on steep or dangerous terrain.
- H. Early temporary or permanent planing, or both, wherever appropriate to maintain necessary cut and fill slopes to stabilize them by plant roots and to conceal the raw soil from view.

25.16.020. Definitions.

Average Percent of Slope. An expression or rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a parcel or lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is a one hundred (100) percent grade.

Building Area. A portion of a lot, parcel or tract of land which is to be utilized as the building site having an areas of at least one hundred (100) feet by seventy-five (75) feet with an average slope of less than twenty-five (25) percent, such building area to be designated as the only area in which building may take place and outlined on the subdivision plat in which the lot is located.

Hillside Development Review Board. A board consisting of members appointed by the mayor of Brigham City with the duties of reviewing and regulating hillside developments in accordance with this section within areas that are included in the restricted category defined below in this section.

Lot. A parcel of land occupied or capable of being occupied by a permitted use, building or group of buildings (main and accessory), together with such yards, open spaces, parking spaces and other areas required by Title 25 and Title 29 of the Brigham City Code, having frontage upon a street or upon a right-of-way approved by the Board of Adjustment. Except for group dwellings and Planned Unit Developments, not more than one (1) dwelling structure shall occupy any one (1) lot.

Lot, Restricted. A lot which has (1) an average slope of twenty-five (25) percent or more over a major portion of its areas, or (2) which does not have a building area of at least seventy-five (75) feet by one hundred (100) feet on a buildable portion of the lot with an average slope of less than twenty-five (25) percent, or (3) which has been identified as having potential geologic or other environmental hazards or constraints which require further investigation prior to the issuance of a building permit. The lot shall be increased in areas and with if over the twenty-five (25) percent slope category and shall be regulated and developed in accordance with the requirements of this ordinance and conditions imposed by the Brigham City Planning Commission as part of the requirements of the subdivision regulations.

Non-Buildable Area. The area of a lot which, because of identified potential geologic or other environmentally hazardous conditions, has been determined unsuitable for construction of residential buildings and other structures for human occupancy. Decks, patios, pergolas, storage sheds, private garages and other accessory structures may be allowed however within the designated non-buildable area of a lot.

25.16.030. Applicability.

This section shall apply to all lots in subdivisions and all parcels of land developed in Brigham City which fall within the "Restricted Lot" category as defined in this section and to all streets abutting such lots or parcels.

25.16.040. Procedure.

Plans of proposed development and other information regarding building, construction, filling or excavating of land proposed on lots, parcels or tracts of land meeting the standards of the "Restricted Lots" category or containing a designated building area shall be submitted to the Hillside Development Review Board for review in accordance with the standards and conditions of this section prior to or at the time of application for a building permit.

25.16.050. Hillside Development Review Board.

- A. A Hillside Development Review Board is established and shall consist of the following:
 - 1. Building Inspector
 - 2. Public Works Director
 - 3. Planning Commission Representative
 - 4. City Engineer
 - 5. Police or Fire Department Representative
 - 6. Superintendents of each of the Utility Departments
- B. The Chairman of the Review Board shall be the representative of the Planning Commission.
- C. Additional members may be appointed to the Hillside Development Review Board by the Mayor when found to be of benefit to the performance of the duties of such Review Board.
- D. The Review Board shall select from its members a vice chairman and adopt procedures not in conflict with the provisions of this section, Title 25 or Title 29. Meetings of the Review Board shall be held at the call of the Chairman.
- E. The Review Board shall have the power and duty of reviewing and regulating hillside developments in accordance with this section within those lots, parcels or tracts which are categorized as "Restricted" or which contained designated building areas.
- F. The Review Board's requirements shall be furnished in writing to the developer and the Building Inspector.
- G. The Review Board may authorize variations to the standards stipulated in this section when justification and acceptable adjustments are presented to warrant such change.
- H. The Planning Commission shall not issue any approvals and the Building Inspector shall not issue any Building Permits until detailed plans and other information regarding building, construction, filling or excavation of land proposed on lots, parcels or tracts of land meeting the standards of the "Restricted Lot" category or containing a designated building area have been submitted to and approved by the Hillside Development Review Board. Any condition attached to such approval by said Board shall be a condition required with the issuance of the Building Permit, and shall be enforced by the Building Inspector.

25.16.060. Restricted Lot Design, Area and Width.

A. Each restricted lot or parcel of land meeting the restricted lot standards shall have an area and width equal to or greater than that required by the applicable zoning district regulations as determined from the applicable slope density tables contained in this section. Such lots shall be sufficient for the buildings, setbacks, yards, and any necessary cuts and fills, drainage facilities and stabilization areas required by the Hillside Development Review Board.

B. All restricted lots shall be designed to provide the maximum in safety and human enjoyment while taking advantage of the best natural contours. Vegetation shall be preserved as much as possible.

C. Each restricted lot shall conform with the lot design standards of the subdivision regulations but increase in proportion to the average percent of slope in accordance with the applicable slope density tables contained in this section.

25.16.070. Streets and Roads.

Landscaping within the public right-of-way shall be encouraged when appropriate, especially planting of unsightly cuts and fills. Erosion control planting shall be provided when necessary to prevent serious erosion.

25.16.080. Excavation, Grading and Filling.

A. Extensive grading is discouraged because of its detrimental effects on soil stability, erosion, and aesthetics.

B. No excavation shall be made with a cut face steeper in slope than one and one-half (1 ½) horizontal to one (1) vertical, except under one or more of the following conditions:

1. If the developer proves through soils engineering and engineering geology reports that the material making up the slope of the excavation and the underlying earth materials is capable of standing on a steeper slope.

2. A retaining wall or other support is provided to support the face of the excavation.

C. An excavation with a cut face flatter in slope than one and one-half (1 ½) horizontal to one (1) vertical may be required if the material in which the excavation is made is such that the flatter cut slope is necessary for stability or safety.

D. No excavation shall be made sufficiently close to the property line to endanger any adjoining public or private property or structures without supporting and protecting such property or structures from settling, cracking or other damage which might result.

E. No cut slope shall exceed a height of twenty-five (25) feet. The Review Board may modify this requirement if it determines that it is justified because of rock or other special conditions.

F. No fill shall be made which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical, except where a retaining wall is provided for support or where the developer shows that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope and that the areas on which the fill is to be placed are suitable to support the fill.

G. The Review Board may recommend that the fill be constructed with an exposed surface flatter than two (2) horizontal to one (1) vertical if such flatter surface is necessary for stability or safety.

H. Fill slopes shall not exceed thirty (30) feet in height.

I. Fills toeing out on natural slopes which are steeper than two (2) horizontal to one (1) vertical shall not be permitted.

J. Toes of fill slopes shall not be made nearer to a lot boundary than one-half (½) the height of the fill, but need not exceed twenty (20) feet.

K. All fills shall be compacted to a minimum of ninety (90) percent of maximum density over any area to be occupied by a dwelling or accessory building.

L. The natural ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, top soil, and where natural slopes are five (5) horizontal to one (1) vertical or steeper, by benching into sound bedrock or other competent material.

M. No organic material shall be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than eight (8) inches shall be buried or placed in fills within two (2) feet of the final grade.

N. Building foundations shall be setback from the top of slope a minimum distance of five (5) feet for all cut slopes steeper than two (2) horizontal to one (1) vertical. No buildings shall be constructed on cut or fill slopes steeper than two (2) horizontal to one (1) vertical.

25.16.090. Drainage and Erosion Prevention.

Provision shall be made to prevent any surface waters from damaging the face of an excavation or fill.

25.16.100. Planting.

The face of all cuts and fill slopes shall be planted as soon as practical and maintained with a ground cover to protect the slopes against erosion. Planting shall be designed to blend the slope with the surrounding terrain and development.

25.16.110. Fire Prevention and Suppression.

Fire protection is a fundamental need for safe habitation and use of hillside terrain areas. For the protection of present and future improvements and their uses and occupants, the following fire safety requirements are recommended and where appropriate shall be required.

A. Development shall provide for ready access as to fire and other emergency equipment as per Uniform Fire Code and for routes of escape to safely handle evacuations.

B. Firebreak easements separating dwellings or clusters of dwellings from the native vegetation may be required. Such firebreaks would be more properly termed "green belts" because all vegetation need not be removed, but thinned out or landscaped so as to reduce the volume of fuel.

25.16.120. Slope Density Tables.

The following tables shall be used to determine the area and width of lots, parcels or tracts of land meeting the criteria for a "Restricted Lot" or those lots with a designated building area on a buildable portion of the lot which has an average percent of slope of twenty-five (25) percent or more over the major portion of its area.

The lower square foot minimum in each of the following tables corresponds to the minimum lot area required in the applicable zoning district in which such lot is located. Lot area and widths shall be increased as percent of slope of the lot or parcel increases.

TABLE 1: "RESTRICTED LOT" REQUIREMENTS

A. 6,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	6,000	60
26-30	7,800	80
31-35	9,800	90
36-40	12,000	100
41 and over	15,000	105

B. 8,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	8,000	70
26-30	10,200	95
31-35	12,500	100
36-40	15,200	110
41 and over	18,800	115

C. 10,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	10,000	80
26-30	12,400	100
31-35	15,000	110
36-40	18,000	120
41 and over	22,000	125

D. 12,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	12,000	80
26-30	14,500	100
31-35	17,500	110
36-40	21,000	120
41 and over	25,000	125

E. 20,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	20,000	100
26-30	23,500	115
31-35	27,500	130
36-40	32,000	145
41 and over	38,800	155

F. 40,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	40,000	120
26-30	46,000	135
31-35	52,500	150
36-40	60,000	165
41 and over	70,000	180

F. 43,560 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	43,560	150
26-30	50,000	165
31-35	57,000	180
36-40	65,000	195
41 and over	75,500	210

TABLE 2: "BUILDING AREA" LOT REQUIREMENTS

A. 6,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	6,000	60
26-30	6,300	60
31-35	6,900	65
36-40	7,800	65
41 and over	9,000	70

B. 8,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	8,000	80
26-30	8,300	80
31-35	8,900	90
36-40	9,800	90
41 and over	11,000	100

C. 10,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	10,000	80
26-30	10,400	80
31-35	11,200	90
36-40	12,400	90
41 and over	14,000	100

D. 12,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	12,000	80
26-30	12,600	80
31-35	13,200	90
36-40	13,800	90
41 and over	14,500	100

E. 20,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	20,000	100
26-30	20,800	100
31-35	22,400	115
36-40	24,800	125
41 and over	28,000	135

F. 40,000 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	40,000	150
26-30	41,200	150
31-35	43,600	150
36-40	47,200	160
41 and over	52,000	170

G. 43,560 square foot minimum lot.

<u>Avg Percent of Slope</u>	<u>Sq Ft Minimum</u>	<u>Lot Width Minimum</u>
to 25	43,560	150
26-30	44,800	150
31-35	47,400	160
36-40	51,300	170
41 and over	56,500	180